

REMARKS

The Applicant hereby traverses the restriction requirement and asks for its reconsideration and at least partial withdrawal. The Examiner is requested to withdraw the restriction requirement and concurrently examine all of the claims in the Group 1 and 3 categories. The avowed purpose of the Patent & Trademark Office in requiring an election, whether part of a species or invention restriction, is the avoidance of a burdensome examination, i.e., to avoid multiple searches, etc. However, MPEP §803 provides that, if the search and examination of an entire application can be made without serious burden, the examiner is encouraged to examine it on the merits even if it is considered to include claims to two different or independent inventions.

It is respectfully submitted that the concurrent examination of the Group I and Group III claims will not place an undue burden on the Patent Office.

The Examiner has divided the claims into three groups, namely, Group I, containing claims 1-8; Group II, containing claims 9-12; and, Group III, containing claims 13-15. As indicated above, the Applicant provisionally elects the Group I claims.

Elected claim 1 is directed to a gas fired heating apparatus. The Examiner will note, in reviewing claim 13, that paragraph a) of this claim specifies that the first element is the gas fired heating apparatus set forth in claim 1. Clearly, if claim 1 is

patentable, claims 13-15 are also patentable. If claims 13-15 are prosecuted separately, the Examiner will have to search the same subject areas that were searched during the prosecution of claims 1-8. In other words, the Examiner's search burden will not be reduced by dividing claims 1-8 and claim 13-15 into separate groups. Accordingly, the Group I and Group III claims should be examined together.

The search and examination of all the claims encompassed by the Group I and Group III categories can be made without serious burden and, accordingly, the Examiner should concurrently examine claims 1-8 and 13-15 in this application as suggested by MPEP §803.

Please charge any deficiency or credit any overpayment in the fees for this response to our Deposit Account No. 20-0090.

Respectfully submitted,

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